



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Pacific Architects & Engineers, Inc.

File: B-262243; B-262243.2

Date: December 12, 1995

D. Whitney Thornton II, Esq., and Mitchell H. Segal, Esq., Seyfarth, Shaw, Fairweather & Geraldson, for the protester.
Kathleen C. Little, Esq., and Eric M. Drattell, Esq., McDermott, Will & Emery, for Johnson Controls World Services, Inc., an interested party.
Capt. Bryant S. Banes, Department of the Army, for the agency.
Linda S. Lebowitz, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where the agency reasonably downgraded the protester's proposal for inadequate staffing and experience in mission essential functional areas, the agency reasonably determined to award a contract to a higher technically rated, higher evaluated cost offeror consistent with the solicitation's evaluation scheme which provided that technical evaluation factors were more important than cost in selecting the proposal representing the best overall value to the government.

DECISION

Pacific Architects & Engineers, Inc. (PAE) protests the award of a contract to Johnson Controls World Services, Inc. (JCWS) under request for proposals (RFP) No. DAKF04-95-R-0001, issued by the Department of the Army for installation support services at the National Training Center, Fort Irwin, California. PAE protests the evaluation of its proposal, the agency's alleged failure to conduct meaningful discussions, and the agency's cost/technical tradeoff decision.

We deny the protests.

BACKGROUND

The National Training Center at Fort Irwin provides an environment where Army forces can engage in intensive force-on-force and computerized live-fire training, basically replicating modern battlefield conditions. The mission of the training center, as described in the RFP, is "to improve unit readiness through training by

providing a unique training atmosphere and environment." Data collected based on near-battlefield conditions allows for the evaluation of the "performance and effectiveness of the Army's organizations, equipment, doctrine, and training."

The RFP, issued on November 4, 1994, contemplated the award of a cost-plus-award-fee contract for a base period with 4 option years for installation support services in the following functional areas: (1) public works; (2) range control and airfield operations; (3) training support center; (4) morale, welfare, and recreation; and (5) administrative support.¹ The RFP was divided into 72 tasks corresponding to requirements in the RFP's performance work statement.

The RFP stated that the contract would be awarded to the firm whose proposal was deemed to represent the best overall value to the government. The RFP included two evaluation factors--quality and cost. The RFP stated that "quality is somewhat more important than cost," and while weights were not disclosed in the RFP, the quality evaluation factor was weighted at 60 percent and cost was weighted at 40 percent.

The quality evaluation factor was comprised of three subfactors--technical, management, and quality control. Again, although not disclosed in the RFP, technical was weighted at 50 percent, management at 30 percent, and quality control at 20 percent. Each quality subfactor included several sub-subfactors. As relevant to these protests, the technical subfactor included the sub-subfactors of technical approach, technical management, and technical experience. Technical approach, which included the sub-elements of resources and methodology, was "somewhat more important" than the other two sub-subfactors, which were of equal importance. Cost, which was weighted, but not scored, was comprised of the following four subfactors: (1) most probable cost/cost realism; (2) total estimated cost; (3) fee structure; and (4) cost control experience. In assessing cost realism, the RFP stated that the agency would develop an independent government estimate based on the offeror's total overall approach. The RFP also provided that the agency would evaluate variance, that is, the difference between an offeror's proposed and evaluated (most probable) costs. The RFP stated that in selecting the best overall proposal, the agency would consider the value of each proposal in terms of the quality of services offered for the proposed cost, and the advantages or disadvantages of the proposal to the government. The RFP provided that the importance of total cost in the selection would increase as relative differences between the overall quality of proposals decreased.

¹At issue in these protests is the functional area involving range control and airfield operations.

Eight firms, including PAE and JCWS, submitted initial quality and cost proposals which were evaluated by the four committees (technical, management, quality, and cost) comprising the agency's source selection evaluation board (SSEB). The contracting officer included each proposal in the competitive range and subsequently issued to each competitive range offeror written discussion questions, identifying errors and/or omissions in an offeror's proposal and areas of an offeror's proposal which required clarification. The contracting officer also conducted oral discussions with each competitive range offeror. Following discussions, each competitive range offeror submitted a best and final offer (BAFO). As relevant to these protests, the SSEB's final consensus scores for PAE and JCWS were as follows:

	<u>PAE</u>	<u>JCWS</u>
Technical	70.5	75.6
Management	81.2	86.3
Quality Control	<u>87.4</u>	<u>99.2</u>
Total Weighted Score	77.1	83.5

The consensus scores, which were supported by narratives of the strengths, weaknesses, and risks in each offeror's quality proposal, corresponded to the following adjectival ratings: outstanding--90 to 100 points; excellent--80 to 89 points; satisfactory--70 to 79 points; and poor--60 to 69 points.

For the range operations functional area, the evaluators concluded that PAE's proposal posed a high risk. The evaluators determined that PAE failed to address several key requirements of the RFP and proposed "to continue to [do] business as it is done under the current contract, not the RFP." The evaluators also determined that PAE had several critical shortfalls in staffing; did not separate range and airfield functions; did not provide radio clerks; did not understand the range facility management support system; and did not properly address contractor-furnished equipment requirements.

For airfield operations, the evaluators concluded that PAE's proposal, considered overall poor, posed a high risk. The evaluators believed that PAE's proposed personnel cross-utilization plan could overtask individuals to the point of ineffectiveness. The evaluators pointed out that PAE's operating plans were incomplete and lacked details. In addition, the evaluators concluded that PAE had a poor technical background in airfield operations. Specifically, for the airfield manager and airfield safety officer positions, PAE intended to rely on the experience of two individuals to be hired by PAE's range control and airfield operations subcontractor if the firm were awarded the contract. The evaluators believed that, even though these individuals were qualified to perform the required tasks, if PAE's subcontractor did not ultimately hire these individuals, the technical experience of PAE and its subcontractor was questionable and very limited.

Concerning cost, PAE proposed the eighth lowest cost and it had the fourth lowest evaluated cost. The variance between PAE's proposed and evaluated costs was 2.8 percent, the lowest variance among the eight offerors. JCWS proposed the sixth lowest cost and it had the fifth lowest evaluated cost. The variance between JCWS' proposed and evaluated costs was 13.9 percent. While PAE's proposed cost was approximately 6.8 percent higher than JCWS proposed cost, PAE's evaluated cost was approximately 3.2 percent lower than JCWS' evaluated cost. The evaluation of cost proposals was supported by narratives of the advantages, disadvantages, and risks in each offeror's cost proposal.

The SSEB evaluations were reviewed by the agency's source selection advisory council (SSAC) and the source selection authority (SSA). With respect to PAE, the SSA considered its overall medium to high total weighted quality score, which corresponded to the adjectival rating of satisfactory, and recognized PAE's highest proposed cost, fourth highest evaluated cost, and lowest cost variance between its proposed and evaluated costs. The SSA noted that PAE's overall quality approach was rated as minimally satisfactory. More specifically, the SSA noted that PAE's proposal for the technical approach and technical management sub-subfactors was rated satisfactory and its proposal for the technical experience sub-subfactor was rated poor. The SSA recognized that PAE proposed knowledgeable and competent range control operations management personnel, but that PAE failed to understand that range operations and airfield operations were required to be maintained as separate functions and that PAE failed to identify contractor-furnished equipment required to support range control operations. The SSA listed a number of significant deficiencies in PAE's proposed approach for airfield operations, including PAE's failure to provide correct skill qualifications; a limited understanding of flight operations and air traffic control operations; and inadequate operating procedures. The SSA recognized that PAE's management proposal was rated in the low excellent range and its quality control proposal was rated in the overall medium to high excellent range with no noted deficiencies.

With respect to JCWS, the SSA concluded that its proposal demonstrated an overall excellent quality approach at a reasonable cost and presented an excellent probability of limited risk to the government. The SSA concluded that JCWS' proposed cost was reasonable and considered any risk to be acceptable regarding the variance between its proposed and evaluated costs. The SSA concluded that JCWS demonstrated knowledgeable and competent comprehension of the range control requirements; JCWS proposed a unique staffing plan; JCWS' computer system would enhance the management of range control operations; and while JCWS' operating procedures were not complete, this shortcoming, considered to be of limited risk, could be corrected during contract phase-in. The SSA noted that JCWS' airfield operations manual was very comprehensive. The SSA recognized that JCWS' staffing approach had problems in the area of skill requirements and

that JCWS lacked air traffic control experience. The SSA recognized that JCWS' management proposal was excellent and its quality control proposal was outstanding, far exceeding the proposals of the other offerors. The SSA selected JCWS for award.

TECHNICAL EVALUATION

PAE, which submitted a strong proposal for the public works functional area, questions the agency's decision to equally weigh (at approximately 23 percent each) the functional areas of public works, range control operations, and airfield operations in evaluating the technical approach sub-subfactor. PAE argues that public works is "unquestionably the dominant function to be performed under the RFP" as evidenced by the projections in the government estimate showing approximately 65 percent of total staffing and estimated costs being allocated to the public works functional area. PAE maintains that if public works had been assigned a substantially higher weight than range control operations and airfield operations, that is, if it were weighted at 65 percent as opposed to being equally weighted with the other two functional areas, its score for the technical approach sub-subfactor would have been higher.

We see no impropriety in the agency's decision to weigh the functional areas equally. Even though the government estimate allocated approximately 65 percent of total staffing and estimated costs to public works, the record shows that the staffing and cost estimates did not correspond to or reflect any prioritization of minimum needs, but simply reflected that performance of public works requirements would be significantly more labor and cost intensive than performance of range control operations and airfield operations requirements. In fact, the agency's source selection plan reflects that these three functional areas all were "mission essential" and of equal importance in accomplishing the primary training goals of the National Training Center, as described in the RFP's performance work statement. Thus, we have no basis to question the agency's determination to equally weigh public works, range control operations, and airfield operations in evaluating the technical approach sub-subfactor.²

²PAE also argues that the agency reversed the importance of the resources and methodology sub-elements of the technical approach sub-subfactor. The RFP provided that the resources sub-element was "substantially more important" than the methodology sub-element. PAE points to an uncompleted composite scoring worksheet in the agency's source selection plan which shows a sub-element weight of 30 percent for resources and 70 percent for methodology, and argues that the methodology sub-element was "substantially more important" than the resources sub-element, contrary to the terms of the RFP.

(continued...)

PAE next challenges the evaluation of its quality proposal for technical experience in the range control and airfield operations functional area.³ In reviewing an agency's evaluation, we will not reevaluate proposals, but instead, will examine the agency's evaluation to ensure that it was reasonable and consistent with the stated evaluation criteria. Pacific Architects & Eng'rs, Inc., B-257431.7, Dec. 8, 1994, 95-1 CPD ¶ 202.

The RFP defined the technical experience sub-subfactor as "the specific experience related to the functional areas and includes direct experience of the personnel, the corporation, and the proposed subcontractors." The RFP stated that the technical experience portion of an offeror's proposal "shall include the offeror's and any proposed subcontractor's technical experience during the last five years in performing services similar in size, type, and complexity required by the [performance work statement]."

As reflected in its proposal, PAE decided to subcontract range control and airfield operations requirements to a "relatively new . . . company." PAE listed as its subcontractor's only experience an ongoing contract (since 1993) for maintenance, service, and repair of foreign and domestic vehicles at Fort Irwin. Further, PAE stated in its proposal that "[o]ur experience is reflected in the level of people who comprise [the subcontractor organization]."

Specifically, PAE's subcontractor's vice president for operations was proposed as the subcontractor's range control and airfield support manager. According to his

²(...continued)

PAE's argument is not supported by the record. The record shows that in evaluating PAE's proposal, consistent with the terms of the RFP, the agency considered the resources sub-element to be "substantially more important" than the methodology sub-element and that the scoring worksheet completed for PAE's BAFO weighed the resources sub-element at 70 percent and the methodology sub-element at 30 percent. The record further shows that the uncompleted composite scoring worksheet in the source selection plan simply contained a typographical error.

³PAE was advised at its debriefing that it was ranked fourth overall. PAE did not protest the evaluation of the proposals of the higher overall ranked intervening offerors. Therefore, PAE only had standing to protest the evaluation of its proposal, arguing that had its proposal been properly evaluated, it would have been ranked first overall and its proposal would have been deemed to represent the best overall value to the government.

resume, since 1991, this individual has been "[r]esponsible for Consolidated Services and Service Contract Management, acquisition of new contracts and Contract Administration"; from 1988 to 1991, was a "Department Manager, Training Support Department, F[or]t Irwin Community"; and from 1975 to 1976, was an "Airspace Management Officer" responsible for the management and control of a military airspace division. Also included in this individual's resume were summary statements that "[a]s a Contract Administrator and as a Department Manager, the positions held in the area of Range Control and Airfield Operations are exactly related to this effort," and that this individual "[d]eveloped technical procedures for Range and Airfield Operations . . . [that] are currently in practice at F[or]t Irwin Range Control, Airfield Support."

In addition, PAE's subcontractor proposed to hire upon award, as evidenced by letters of commitment, two individuals for the airfield safety officer and airfield operations officer positions. From 1987 to 1990, the proposed airfield safety officer was an airfield manager/airfield aviation safety officer/range control radio supervisor under a predecessor contract at Fort Irwin. From 1991 to the present, the proposed airfield operations officer was an airfield safety officer/supervisor under a predecessor contract at Fort Irwin responsible, among other things, for daily management of the aviation safety program. This individual also served from 1987 to 1991 as an Army helicopter pilot and an assistant aviation safety officer.

The agency considered PAE, along with its proposed subcontractor, to have "a poor technical background," stating:

"Apparently, [PAE] places all of [its] technical experience in two individuals [its proposed subcontractor] plan[s] to hire for the performance of this contract (Airfield Manager and Airfield Safety Officer). There is no doubt that the two individuals are qualified to perform the mission, but there are no guarantees that [PAE's subcontractor] will hire the individuals. If [PAE's subcontractor] does not hire the proposed individuals, then the technical experience of [PAE and its subcontractor] becomes questionable. Therefore, the overall technical experience of [PAE and its subcontractor] is very limited in a contract dealing with airfield operations in a tactical environment."

From our review of the record, we think the agency reasonably concluded that PAE did not have previous direct corporate experience in performing requirements in the range control and airfield operations functional area. Moreover, we think the agency reasonably concluded that PAE's proposed subcontractor, a "relatively new company" with only an ongoing contract for vehicle maintenance, service, and repair, also did not have previous direct corporate experience in performing range control and airfield operations requirements. We further believe the agency had

reasonable concerns with PAE's approach--the hiring of proposed personnel by the proposed subcontractor--for demonstrating experience.

In this regard, the record shows that the agency did not question the underlying qualifications of PAE's subcontractor's proposed personnel for the airfield safety officer and airfield operations officer positions; rather, the agency was hesitant to attribute to PAE and its subcontractor the experience of proposed new key personnel who had no previous institutional experience with either PAE's or its subcontractor's organization. The agency also was concerned that even if PAE were awarded the contract, unforeseen circumstances could prevent PAE's subcontractor from hiring the proposed individuals for these key positions. In response, PAE points to the experience of its subcontractor's vice president for operations who was proposed as the subcontractor's range control and airfield support manager.⁴ The record shows, however, that this individual's resume lacked any details and contained only summary statements regarding this individual's recent (within the last 5 years) range control and airfield operations experience.⁵ There also was no indication in this individual's resume that he had specific experience commensurate with the experience required for the airfield safety officer and airfield operations officer positions should the individuals proposed for these key positions not be hired by PAE's subcontractor. On this record, we conclude that the agency reasonably downgraded PAE's proposal for a lack of corporate and

⁴In its second set of supplemental comments, PAE also states that it demonstrated experience in range control and airfield operations as reflected by the experience of its proposed project manager and its proposed installation support department manager, individuals who did not currently work for PAE, but who would be hired upon award as evidenced by letters of commitment. The resumes for these individuals appear to show that they had relevant range control and airfield operations experience. However, just like PAE's subcontractor's proposed new key personnel, these individuals also had no previous institutional experience with PAE's organization and present the same concerns to the agency.

⁵The record shows that the agency submitted the following written discussion question to PAE concerning the resume of its subcontractor's vice president for operations: "[r]esume does not show any experience in Range and Airfield Operations. Please clarify." PAE responded that this individual's resume had been changed to reflect his range and airfield experience at Fort Irwin. However, as discussed, the resume lacked details of this individual's recent and relevant experience. PAE further stated, in summary fashion, that "[a]lthough [this individual] has extensive experience in Range and Airfield Operations, [its subcontractor] will also provide years of additional experience through the personnel who had accepted job offers and will work for [this individual] in key positions."

personnel experience in the mission essential range control and airfield operations functional area.⁶

PAE also challenges the evaluation of its quality proposal concerning its personnel cross-utilization plan for the performance of the range control radio requirements.

PAE proposed to use airfield operations specialists, instead of range radio/data clerks, for performance of the range control radio requirements. The agency downgraded PAE's quality proposal because it believed that PAE's proposed cross-utilization of airfield operations personnel for performance of these requirements was not feasible in light of the RFP's requirements. The agency explains that while under the predecessor contract one individual could monitor a single radio for both range control and airfield communications, under the current RFP, range control and airfield communications require the use of two different radios because there are two different sites involved. Although PAE's proposed approach would have been acceptable under the predecessor contract, the agency concluded that this approach was not responsive to the requirements of the RFP. In light of this explanation, we see nothing unreasonable with this aspect of the evaluation.⁷

MEANINGFUL DISCUSSIONS

PAE contends that the agency failed to conduct meaningful discussions, as required by Federal Acquisition Regulation § 15.610; see Stone & Webster Eng'g Corp., B-255286.2, Apr. 12, 1994, 94-1 CPD ¶ 306, concerning a significant staffing shortfall in range control and airfield operations, specifically for the range radio/data clerk position. PAE's contention is not supported by the record.

⁶PAE received a consensus score of zero for range control and airfield operations experience. However, its overall consensus score for technical experience, covering all functional areas, was 62 points. We do not believe that PAE was prejudiced by the zero score for range control and airfield operations experience since, as discussed, PAE failed to demonstrate recent, relevant corporate and personnel experience for the requirements of this functional area.

⁷We note that the agency advised PAE during discussions to refer to an attachment to the RFP's performance work statement which discussed detailed procedures for the performance of range control and airfield operations requirements. To improve its proposal, the agency also suggested that PAE "consider incorporating [into its proposal] current installation information and current military procedures from the [National Training Center--Airfield Procedures Guide]." (Emphasis in original.) The record shows that PAE did not request a copy of this publication until October 1995, during the pendency of these protests.

Task 33 of the RFP's performance work statement required the contractor to establish and operate the Range Control Center, including the firing desk (which involves range control and range status requirements) and the communications desk (which requires the operation, monitoring, and maintenance of constant two-way radio communications with all units utilizing any and all ranges/training areas). As reflected in the government estimate, the agency estimated that to successfully perform task 33, the contractor would need 10 range radio/data clerks and 1 range scheduler.

In its proposal, PAE discussed the firing desk and communications desk requirements under task 33. PAE proposed 1 range scheduler, but no range radio/data clerks. In response, the agency submitted the following two written discussion questions to PAE:

"Clarify how the offeror proposes to staff the Firing Desk. What positions? Hours of operations? Radio Operations? Supervisory responsibility? Weekend Operations?

"Clarify how the offeror proposes to staff the Communication[s] Desk with what positions, what hours of operations will be each day? What position will be responsible to talk on the radios, who will inspect the radios and what are the qualifications of that position, what position is designated to repair [or] fix the radios, who is qualified to work on SINGCARS, who will operate the [range facility management support system], who will be in charge?"⁸

During oral discussions, PAE also was advised that it was understaffed for 14 tasks, including task 33. In its BAFO, PAE stated that the firing desk and the communications desk each would be staffed by an airfield operations specialist, 7 days per week, 24 hours per day, and that the airfield operations specialist would operate the radios.

Based on this record of discussions, we conclude that there can be no question that the agency conducted meaningful discussions concerning PAE's staffing shortfall of range radio/data clerks for task 33.⁹

⁸Given the specificity of these questions, we find baseless PAE's contention that these were not discussion questions simply because they were presented under the caption "clarification."

⁹The agency prepared a memorandum for the record of its oral discussions with PAE. The narrative section of the memorandum shows that PAE was advised, and (continued...)

PAE also contends that during discussions, the agency failed to advise the firm that the lack of experience of its proposed subcontractor for range control and airfield operations posed an increased risk of nonperformance of a critical mission requirement; that PAE's lack of understanding of significant changes in the RFP from the current contract created a substantial performance risk; and that PAE's proposal suffered from a critical shortfall, namely, a failure to maintain range control and airfield operations as separate functions. These arguments, which PAE first raised in its comments on the agency's initial administrative report, are untimely.

⁹(...continued)

PAE has not shown otherwise, that it was understaffed for task 33, the task, as previously stated, under which PAE addressed the firing desk and communications desk requirements. Attached to this memorandum was a most probable cost staffing matrix for PAE's proposal. The matrix was broken down by task number and showed the government estimate for staffing, the number of persons proposed by PAE, the government's most probable cost staffing estimate for PAE's proposal, and a delta column. The matrix, however, contained a typographical error involving the reversal of the government's most probable cost staffing estimates for task 31 and task 33. Because the matrix showed that PAE was understaffed for task 31, not task 33, and task 31 was not listed in the memorandum of oral discussions as a task area for which PAE was told it had a staffing shortfall, PAE, disregarding the record of written discussions, argues that the agency failed to conduct meaningful discussions regarding the absence of any range radio/data clerk positions in its proposal for task 33.

There is no merit to this argument. Even if PAE's staffing shortfall for range radio/data clerks for task 33 was not orally discussed, and PAE has not established that this is the case, PAE's understaffing problem clearly was the subject of two written discussion questions, as previously addressed. We think there can be no dispute that discussions in this regard were meaningful.

Finally, we note that the agency made upward adjustments to both PAE's and JCWS' most probable cost staffing estimates to account for staffing shortfalls. With respect to JCWS, it was understaffed by 1 person in the mission essential range control operations functional area and by 12 persons in the non-mission essential training support center functional area. The agency considered JCWS' understaffing in the range control operations functional area to be limited, noting that it had a "unique" staffing plan, and its understaffing in the training support center functional area, for which JCWS presented "a sound technical and management approach," to be of some, but acceptable, risk.

Under our Bid Protest Regulations, a protest not based on an apparent solicitation impropriety must be filed within 10 working days after the basis of protest is known, or should have been known, whichever is earlier. 4 C.F.R. § 21.2(a)(2). Where a protester files supplemental protest grounds, each new ground must independently satisfy the timeliness requirements of our Bid Protest Regulations, which do not contemplate the piecemeal presentation or development of protest issues. QualMed, Inc., B-257184.2, Jan. 27, 1995, 95-1 CPD ¶ 94. This is true even if the supplemental protest grounds may be merely "examples" of flaws in the agency's evaluation generally alleged in the initial protest since such staggered presentation of "examples," each of which involves different factual circumstances and requires a separate explanation from the agency, constitutes precisely the piecemeal presentation of issues that our timeliness rules do not permit. Id.

On August 2, 1995, PAE filed its initial protest and simply alleged a lack of meaningful discussions regarding staffing shortfalls in the range control and airfield operations and the training support center functional areas. On September 11, the agency filed its initial administrative report and responded to PAE's argument regarding the referenced staffing shortfalls. PAE received its copy of the report on September 13. In its report, the agency included documentation addressing the evaluation of PAE's initial proposal and BAFO, copies of written discussion questions and a memorandum for the record of oral discussions, and the SSA's best value statement. On September 25, we verbally extended the due date for the filing of comments on the agency report so that a document dispute could be resolved. On September 27, PAE filed a supplemental protest, raising several new grounds of protest "based upon information that was first disclosed to [PAE] in the 'modified' agency report, received by [PAE] on September 13, 1995." In its supplemental protest, PAE did not, however, raise any additional issues concerning the agency's alleged failure to conduct meaningful discussions.

By notice dated September 28, we resolved the document dispute. Because of a document transmittal problem, by notice dated October 3, we extended the due date for comments on the agency report and supplemental documents to October 11. On this date, PAE filed its comments and raised three specific, new issues, as outlined above, concerning additional areas where it believed the agency failed to conduct meaningful discussions.

We conclude that the three specific, new issues involving the agency's alleged failure to conduct meaningful discussions, first raised by PAE in its comments filed on October 11, 1 month after receipt of the agency report on September 13, constitute supplemental protest grounds which fail to independently satisfy our timeliness requirements. Although PAE received an extension of time for filing its comments on the agency report, such an extension did not have the effect of waiving the timeliness requirements for filing bid protests; notwithstanding the comment due date, any protest allegations based on information in the agency

report had to be filed no later than September 27, 10 working days after PAE received the agency report. Accordingly, PAE's three specific, new issues which concern the agency's alleged failure to conduct meaningful discussions are untimely. Management Technology, Inc., B-257269.2, Nov. 8, 1994, 95-1 CPD ¶ 248.¹⁰

COST/TECHNICAL TRADEOFF

PAE challenges the SSA's cost/technical tradeoff decision which resulted in the award to JCWS, whose higher technically rated, higher evaluated cost proposal was determined to represent the best overall value to the government. Specifically, PAE points out that in its administrative report, the agency states that the firm submitted the "best overall" cost proposal. PAE argues that it was prejudiced because this characterization was not reflected in the SSA's best value determination. We disagree since it is clear from the record that PAE offered the "best overall" cost proposal only insofar as the variance between its proposed and evaluated costs was the lowest among the eight offerors.

¹⁰We point out that there was sufficient information included in the so-called "modified" agency report received by PAE on September 13 to have triggered the filing by September 27 of a supplemental protest issue challenging the agency's alleged failure to conduct meaningful discussions regarding the experience of PAE's proposed subcontractor. Specifically, the report contained copies of the individual technical evaluators' assessments of PAE's BAFO for range control operations ("[t]he proposed subcontractor of the offeror appears somewhat knowledgeable about [range control operations], but not very competent in overall operation") and airfield operations ("[PAE] has a poor technical background [and] [a]pparently, [PAE] places all of [its] technical experience in two individuals [its proposed subcontractor] plan[s] to hire for the performance of this contract If the [subcontractor] does not hire the proposed individuals . . . then the technical experience of [PAE and its subcontractor] becomes questionable . . . and is very limited in a contract dealing with airfield operations in a tactical environment"). Finally, the SSA's best value statement furnished to PAE clearly stated that "[PAE's] technical experience is considered poor."

We also point out that PAE is untimely from its debriefing in alleging that the agency failed to conduct meaningful discussions regarding its lack of understanding of significant changes in the RFP from the current contract and its failure to maintain range control and airfield operations as separate functions since, as the memorandum of the August 1, 1995 debriefing shows, PAE was advised, among other things, that (1) "[y]our personnel staffing was not adequate in range and airfield operations"; (2) "[t]he new contract is not the same a[s] the current [contract]"; and (3) PAE "[d]id not separate the Range functions from the Airfield [functions] [and] proposed to use Airfield radios and personnel to monitor Range."

Although JCWS submitted a higher evaluated cost proposal than PAE (by approximately 3.2 percent), the SSA determined that JCWS' overall excellent quality approach, compared to PAE's overall minimally satisfactory quality approach, justified the payment of a cost premium to JCWS.¹¹ Thus, having considered the entire record, we conclude that the SSA's determination to award the contract to JCWS, whose higher technically rated, higher evaluated cost proposal was deemed to represent the best overall value to the government, was reasonable and consistent with the RFP's evaluation scheme. See Pacific Architects & Eng'rs, Inc., supra.

The protests are denied.

Comptroller General
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¹¹The record shows that in response to discussions, PAE capped its G&A rate in its BAFO, and that this was listed by the cost evaluators as a strength of the firm's cost proposal. The evaluators concluded that PAE's cost proposal did not reveal any significant proposal risks. The record also shows that JCWS did not cap its G&A rate in its BAFO. The agency referenced a report of the Defense Contract Audit Agency (DCAA) in which DCAA explained that it verified PAE's proposed G&A rates as reflected in a forward pricing rate agreement and the mathematical accuracy of JCWS' G&A rate calculation. DCAA took no exception to JCWS' proposed G&A rate, and only recommended that the agency "consider" the inclusion of a G&A rate ceiling in any resulting contract. The evaluators listed JCWS' lack of a cap on its G&A rates as a weakness in its cost proposal. Like PAE, however, the evaluators concluded that JCWS' cost proposal did not reveal any significant proposal risks. The record shows that the SSAC, in making its briefing and recommendation to the SSA, noted PAE's constant G&A rate for each period of performance and JCWS' decision not to cap its G&A rate, which decreased for the option years. The SSAC's report furnished to the SSA concluded that JCWS' G&A rate was very favorable, and in light of the firm's previous cost experience, concluded that JCWS' decision not to cap its G&A rate presented only a slight risk in an otherwise favorable cost proposal.